

REMARKS

Claims 1, 3-48 and 50-59 were pending in the present application when examined in the Office Action mailed September 29, 2005, with claims 4-6 and 28-48 standing withdrawn pursuant to election/restriction requirement.

Claims 10-12, 16-19, 21-27, 53 and 56-58 stand allowed.

In accordance with the Examiner's helpful suggestions, the Applicants have amended claims 36-38 and 42 to address the claim objections noted in paragraph 1 of the Office Action

As to the remaining claims, rejections under 35 U.S.C. § 103(a) include:

- Claims 1, 3, 7-8, 50 and 59 as unpatentable over U.S. Patent No. 5,106,145 to Corder ("Corder") in view of U.S. Patent No. 6,323,144 B1 to Dalbec ("Dalbec");
- Claims 1 and 54-55 as unpatentable over Corder in view of U.S. Patent No. 6,398,287 B1 to Smith, *et al.* ("Smith"); and
- Claim 51 as unpatentable over Corder in view of U.S. Patent No. 5,016,936 to Goodrich ("Goodrich")

The Applicants appreciate the Examiner's indication that claims 9, 13-15 20 and 52 contain patentable subject matter. The Applicants have amended claims 9 and 52 into independent form in order to place these claims into allowable form.

The following addresses the rejections under §103(a).

Pending Rejections Under § 103(a): The Applicants respectfully traverse the pending rejections of claim 1, 3, 7-8, 50-51, 54-55 and 59 under 35 U.S.C. § 103(a) as unpatentable over Corder, on the grounds that this reference

fails to teach or suggest all the features of the present invention recited in independent claims 1 and 59.

The Applicants have amended independent claims 1 and 59 to recite that the section of the vehicle body form by the recited flexible material outer skin is a “non-roof section of a body of a vehicle.”

The Corder reference teaches the well-known construction of a vehicle convertible roof using a canvas sheet drawn over an underlying frame. This reference does not, however, contain even a hint at the concept of using mechanically moveable adjusting elements with a flexible material outer skin for a non-roof section of a vehicle body. Similarly, the Dalbec, Smith and Goodrich reference fail to cure the deficiencies of Corder, as Dalbec (cited for a coated material) is directed to a “Convertible Fabric,” Smith (also cited for a coated fabric) is directed to a reflective webbing on a tarpaulin, and Goodrich (cited for a “textile planar formation for a motor vehicle top”) is also directed solely to a convertible roof material.

Because none of the cited references, either alone or in combination, teaches or suggests the novel application of flexible outer skins with “at least one mechanically moveable adjusting element” for a non-roof vehicle body section, independent claims 1 and 59 and dependent claims 3, 7-8, 50-51 and 54-55 are patentable over these references under § 103(a). Accordingly, reconsideration and withdrawal of the § 103(a) rejection of these claims is respectfully requested.

CONCLUSION

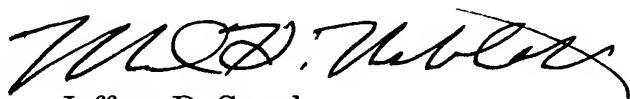
The Applicants respectfully submit that claims 1, 3-9, 13-15, 20, 50-52 and 54-55 are in condition for allowance, in addition to allowed claims 10-12, 16-19, 21-27 53 and 56-58. Early and favorable consideration, and issuance of a Notice of Allowance for claims 1, 3-27 and 50-59 is respectfully requested.

If there are any questions regarding this amendment or the application in general, a telephone call to the undersigned would be appreciated since this should expedite the prosecution of the application for all concerned.

If necessary to effect a timely response, this paper should be considered as a petition for an Extension of Time sufficient to effect a timely response, and please charge any deficiency in fees or credit any overpayments to Deposit Account No. 05-1323 (Docket #080437.52447US).

Respectfully submitted,

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